

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed Emergency After Notice

Rule making related to statements of professional recognition for behavior analysts and mental health professionals

The Educational Examiners Board hereby amends Chapter 16, “Statements of Professional Recognition (SPR),” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 272.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2021 Iowa Acts, Senate File 532.

Purpose and Summary

2021 Iowa Acts, Senate File 532, directs the Board to create statements of professional recognition for behavior analysts and mental health professionals.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 2, 2021, as **ARC 5667C**. A public hearing was held on June 23, 2021, at 1 p.m. in the Board Room, 701 East Court Avenue, Suite A, Des Moines, Iowa.

Emilie Souhrada, Iowa School Social Workers Association, and Denise Rathman, National Association of Social Workers, Iowa Chapter, were in attendance. Both attendees expressed their support after minor changes were drafted based on written comments.

Two written comments were received in support of the Notice with clarifying suggestions, including removing the word “school” from the catchwords of rule 282—16.10(272) and paragraph 16.1(1)“i,” removing the term “district” from paragraphs 16.10(2)“a” and 16.10(2)“c,” adding “or providing services to” regarding employment status in paragraph 16.10(2)“c,” and giving the responsibility to request authorization to “an administrator” in paragraph 16.10(2)“a.”

This rule making reflects the changes suggested through public comment.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(a) and (b), the Board finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective on July 8, 2021, because 2021 Iowa Acts, Senate File 532, includes language for emergency rule making, which allows the SPR to be established in a timely manner to accommodate the start of the academic year. There is a significant benefit to the public, because the earlier effective date will allow applicants to obtain the SPR prior to the start of the academic year so that essential mental health services can be provided to Iowa students immediately.

Adoption of Rule Making

This rule making was adopted by the Board on July 7, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 282—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making became effective on July 8, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 16.1(1) as follows:

16.1(1) The following are authorizations that require or permit statements of professional recognition and licenses obtained from the professional licensure division, department of public health, or the board of nursing and that do not permit service as a teacher:

- a.* School audiologist.
- b.* School nurse.
- c.* School occupational therapist.
- d.* School physical therapist.
- e.* School social worker.
- f.* Special education nurse.
- g.* Speech-language pathologist.
- h.* School behavior analyst.
- i.* Mental health professional.

ITEM 2. Adopt the following **new** rule 282—16.9(272):

282—16.9(272) School behavior analyst. A person who has obtained a master's degree and board-certified behavior analyst certification and who is licensed by the Iowa board of behavioral science may obtain a statement of professional recognition (SPR) from the board of educational examiners.

16.9(1) Authorization. The holder of this authorization can serve as a school behavior analyst to pupils from birth to age 21 (and to a maximum allowable age in accordance with Iowa Code section 256B.8). The legalization for this support service personnel is through an SPR and not through teacher licensure.

16.9(2) Requirements.

- a.* The special education director (or designee) of the school district or area education agency must submit a letter to the board of educational examiners to request that the authorization be issued.
- b.* An applicant must also submit the following documents:
 - (1) A copy of a temporary or regular license from the board of behavioral science.
 - (2) An official transcript.

c. While employed by an accredited K-12 school district or area education agency, the applicant must also maintain licensure with the Iowa board of behavioral science.

16.9(3) *Validity.* The SPR shall be valid for five years.

16.9(4) *Temporary authorization.* A temporary SPR will be issued for one school year if the class of license from the professional licensure division is temporary. A regular SPR will be issued with verification of a regular license.

ITEM 3. Adopt the following new rule 282—16.10(272):

282—16.10(272) Mental health professional. A mental health professional pursuant to Iowa Code section 228.1 who has obtained a license from a bureau under the Iowa department of public health shall obtain a statement of professional recognition (SPR) from the board of educational examiners to be employed by or provide services to an accredited public or private school.

16.10(1) *Authorization.* The holder of this authorization can serve as a mental health professional to pupils from birth to age 21 (and to a maximum allowable age in accordance with Iowa Code section 256B.8). The legalization for this support service personnel is through an SPR and not through teacher licensure.

16.10(2) *Requirements.*

a. An administrator for the school or area education agency must submit a form to the board of educational examiners to request that the authorization be issued.

b. An applicant must also submit the following documents:

(1) A copy of a temporary or regular license from the relevant bureau of the Iowa department of public health.

(2) An official transcript.

c. While employed by or providing services to an accredited public or private school or area education agency, the applicant must also maintain licensure with the relevant bureau of the Iowa department of public health.

d. Social workers shall instead obtain the professional service license or SPR specific to school social work which includes the authorization to provide mental health services to an accredited public or private school or area education agency.

16.10(3) *Validity.* The SPR shall be valid for five years.

16.10(4) *Temporary authorization.* A temporary SPR will be issued for one school year if the class of license from the professional licensure division is temporary. A regular SPR will be issued with verification of a regular license.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/28/21.